

FILED

KITSAP COUNTY

DEC-6 1961

MARGARET C. SMITH, CLERK

M. C. Smith

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KITSAP

Plaintiff)

No. 16-16-4

vs

ORDER TO DESTROY EXHIBITS

Defendant)

It appearing to the Court that more than 10 years have expired since entry of final judgment and that the exhibits filed therein are of no use or value to anyone and they take up needed space in the Clerk's Office, now, therefore, it is hereby

ordered that the Clerk destroy all the exhibits filed in this case, to wit, Plaintiff's exhibits 16-16-4,

Inclusive, and Defendant's exhibits

Inclusive.

Dated this

6th

day of Dec 1961

Frank J. Sauer
JULCS.

C. C. S.

20104

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
PENINSULA COUNTYSTATE OF WASHINGTON, ex rel.
FREDERICK S. COHEN, Prosecuting
ATTORNEY for Kitsap County,

NO. 20104

Plaintiff,

JUDGEMENT

WESTERN GAS COMPANY OF WASHINGTON,
a corporation,

Defendant.

FILED

JULY 2 1945
ARTHUR L. D. COOK
CLERK OF COURT

THE MATTER having been duly argued before the
un-signed Judge of the above entitled court on the 2nd day of
July, 1945, upon the stipulation by the parties hereto, the Plaintiff
being herein being present in Court in person and the defendant be-
ing represented by County Asst. Attorney, Marion Garland, Sr., the
court having full knowledge, having heard the argument of
counsel and being fully advised in the premises, and finding
that Frederick S. Cohen is duly elected, qualified and
acting Prosecuting Attorney in and for Kitsap County, State of Wash-
ington, and the defendant, Western Gas Company of Washington, has
been and is now a corporation, duly organized and existing under and
by virtue of the laws of the State of Washington, and

that Port Washington Narrows is an arm of water forming a part
of Puget Sound and is a navigable body of water, and that in its
ordinary and natural state said body of water is pure and clear and
free from oil waste, creosote and tarry products, and

that the defendant corporation, on account of the war, has been
called upon to supply enormous quantities of gas, far more than ever
contemplated, and

that as a result thereof, oil waste, creosote and tarry products
have escaped from said defendant plant on Port Washington Narrows into
the water in quantities objectionable to the Pollution Control Com-
mission of the State of Washington and to the Fisheries Department of

the State of Washington, and in such quantities as to constitute an
unightly condition along the beach and to be dangerous to the life
of the fish and animals living in the water adjacent thereto and that
this matter has been taken up with the Pollution Control Commission
of the State of Washington and with the Fisheries Department of the
State of Washington, and

WILLAS Professor Syren R. Tynstra, in conjunction with the
Fisheries Department, has examined the plant of said defendant and
after careful study thereof has made recommendation to the said def-
endant to make certain changes for the purpose of eliminating the es-
cape of tar, oil, creosote and other matters into the Narrows so as
to eliminate the objectionable matters now escaping into the said
waters, and that the said defendant is now constructing the settling
basins and carrying out the said instructions and that the said Fish-
eries Department and the said Professor Tynstra are making tests and
will continue to make tests of the surplus waters from said plant in
order to determine the contents thereof, and

that the said defendant has stipulated and agreed that it will
cause to have said settling basins completed on or before July 8th,
1943, in accordance with the instructions from the Fisheries Depart-
ment of the State of Washington and that there have been certain ob-
structions resulting from the cleaning of the tanks at the gas
plant every few months, and

that all of said acts on the part of the said defendant have
constituted a public nuisance, now, therefore, it is hereby
ordered, ALLEGED and I find that the said defendant is hereby
ordered and directed to construct proper settling basins as required
by the Pollution Control Commission of the State of Washington, on
or before July 8th, 1943, or until such further time as may be re-
quired by the use of the Writ, and the said defendant is further
directed to eliminate said discharge into the waters of Port Washington
by means of oil, tar, coke, creosote and such other by-products as are
objectionable to the Pollution Control Commission of the State of Wash-
ington and the Fisheries Department of the State of Washington, and

4-29 and (3)

is further required to eliminate and stop the oil, tar and creosote
and how ever longer will remain adjacent to said defendant's plant
and, it is further,

ORDERED that the said defendant is hereby enjoined and restrained
from allowing the escape of obnoxious odors, resulting from the clean-
ing of its storage and gas tanks and the said defendant is hereby
ordered to follow such recommendations as may be made by competent engin-
eers to filter residue of the tanks through proper lines as has been re-
commended to them in order to eliminate the escape of the said obnoxious
odors and, it is further,

MADE, ADVISED and REMARKED that this judgment shall be binding
upon the defendant corporation and upon the officers thereof and that
if this judgment is violated the corporation and the officers thereof
shall be deemed in contempt in court.

DOCT. IN COURT - SAN FRANCISCO, CALIFORNIA, on the 11th day of July, 1945.

S. J. Sutter
UDGE


Plaintiff's Attorney.

Approved as to form:


Defendant's Attorney.

In the Superior Court of the State of Washington
for Kitsap County

STATE OF WASHINGTON, ex rel
Frederick S. Cohen, Prosecuting Attorney for Kitsap
County, Plaintiff,

No.

20104

vs.
KITSAP GAS COMPANY OF WASHINGTON,
a corporation,

Defendant.

NOTE FOR MOTION DOCKET

FILED

APR 21 1945
ARTHUR J. CLARK, Clerk

To the Clerk of the above entitled Court:

You are hereby requested to place the above cause on the Motion Docket for

ON THE 21st day of MAY, 1945.

NATURE OF MOTION: SET FOR TRIAL

To: MARTIN COLEMAN, Attorney
for Plaintiff.

You are hereby notified that the undersigned Attorney for Plaintiff,
will bring the above Motion up for hearing on the date
(noted on)

Day of 5 day of MAY, 1945.


Attorney for Plaintiff.

Received this
day of MAY, 1945.


Attorney for Plaintiff.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KITSAP COUNTY

FILED

STATE OF WASHINGTON, ex rel.
Frederick B. Cohen, Prosecuting
Attorney for Kitsap County,

No. 20104

JUL - 7 1945

ARTHUR LUND, Clerk

[Signature]

Plaintiff.

vs.

WESTERN GAS COMPANY OF WASHINGTON,
a corporation.

Defendant.

STIPULATION

THIS STIPULATION made and entered into this 24
day of June, 1945, by and between Frederick B. Cohen, prosecut-
ing attorney for Kitsap County, Washington, representing
the plaintiff in the above-entitled action, and the Western Gas
Company of Washington, a corporation, hereinafter called the
defendant.

WITNESSETH:

WHEREAS, the said defendant corporation on account
of the war has been called upon to supply enormous quantities
of gas, far more than ever contemplated having to be called
upon to furnish; and

WHEREAS, as a result thereof oil waste, creosote
and tarry products have escaped from said defendant plant on
Port Gamble Narrows into the water and quantities objection-
able to the Pollution Control Commission of the State of Wash-
ington and to the Fisheries Department thereof and in such
quantities as to constitute an unsightly condition along the
beaches and to be dangerous to the life of fish and animal
life in the waters adjacent thereto; and

WHEREAS, the matter has been taken up with the Pollution Control Commission of the State of Washington and with the Fisheries Department of said State; and

WHEREAS, Professor Lyman R. Tymstra in conjunction with the Fisheries Department have examined said plant of the defendant, and after careful study thereof have made recommendations to the said defendant to make certain changes for the purpose of eliminating the escape of tar, oil and other matters into the narrows so as to eliminate the objectionable matters now escaping into the said water; and

WHEREAS, the said defendant is now constructing the settling basins and carrying out the said instructions; and

WHEREAS, said Fisheries Department and the said Professor Tymstra of the University of Washington are making tests and will make tests of the surplus water from said plant in order to determine the contents thereof; and

WHEREAS said defendant does hereby stipulate and agree that it will endeavor to have said settling basins completed on or before July 8th in compliance with the instructions from Mr. C. J. W. Brown, representing the Fisheries Department;

NOW, THEREFORE, it is hereby agreed that if the said defendant herein constructs proper settling basins as required by the Pollution Control Commission of the State of Washington and the Fisheries Department of the State of Washington, on or before July 8, 1945, or such further time as may be required and eliminates the discharge into the waters of Port Washington Narrows of the tarry matters, oils and such other by-products as are objectionable to the Pollution Control Commission and the Fisheries Department and eliminates and stops the oils and tars that now accumulate along the beaches adjacent

to the said defendant's plant, then the above-entitled action will be dismissed or held in abeyance and judgment will be entered enjoining and prohibiting said defendant from permitting the escape into the waters of Port Orchard Narrows of tar, oil or other matter that pollutes the water or causes tar or oil to accumulate along the beaches adjacent to said plant; and if the said defendant fails to carry out this agreement and stipulation and judgment, it or its officers may be adjudged in contempt of court.

NOW, THEREFORE, it is further stipulated, that whereas there has been a certain noxious odor resulting from the cleaning of the tanks every few months, it is hereby stipulated that the defendant shall bring said odor under control and shall follow such recommendations for the bringing of said odor under control as recommended to him by competent engineers in such field; in particular, will filter residue of the tanks through lime as has been recommended to them and agree further that if the defendant fails to carry out this agreement and additional stipulation and judgment its officers may be declared in contempt of court.

Dated this 26 day of June, 1945.


Plaintiff.


Defendant.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

APR 15 1945 TORONTO

STATE OF WASHINGTON, ex parte
WILLIAM C. HARRIS, Plaintiff,
ATTORNEY FOR PLAINTIFF, HARRIS,

Plaintiff,

SUPERIOR COURT

CLARK COUNTY, STATE OF WASHINGTON,
A CORPORATION.

Defendant.

FILED

APR 15 1945
CLARK COUNTY CLERK

COMES now the Plaintiff herein and by way of reply to the
Affidavit of Defense of the defendant herein, to wit, and each
and every allegation therein contained, avouch as admitted or
denied by the Plaintiff herein as follows:


John D. Harrington
Attorney for Plaintiff

John D. Harrington,

Plaintiff herein, comes into this office and avouches on oath, deposes
and says that he is entitled to the above entitled action;
that he has read the affidavit of defense, knows the contents thereof
and avouches the same to be true.



SIGNED AND SWORN to before me this 15th day of May, 1945.


Notary Public in and for
the State of Washington,
Residing at Vancouver,

I, the undersigned, do hereby certify that I have this day received this, 15th day of May, 1945,


CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

CLARK COUNTY

STATE OF WASHINGTON, ex rel.
Frederick P. Cohen, Prosecuting
Attala, for Clark County,

NO. 20104

EXCEMPT

RECEIVED CLERK'S OFFICE OF CLARK
COUNTY, WASHINGTON,

Defendant.

MAY - 7 1945

ARTHUR LUND, Clerk

THE STATE OF Washington, to the above named defendant,
hereby directs you to appear within twenty (20) days
after service of this summons, exclusive of the day of
service, at court house in the city of Vancouver, and within
forty (40) days, exclusive of the day of service, if served out-
of-the-state by mail, and to answer the above entitled
suit in the court of appeals, and in case of your failure so
to do, you will be held in contempt of court according to the
statute. The original process will be filed with the clerk of
the court and a copy of this notice will be served upon you.



ATTEST AND SIGNED
BY ATTALA,

PROSECUTING ATTALA,
CLARK COUNTY,

IN THE COURT OF COMMON PLEAS OF THE STATE OF WASHINGTON

CLARK COUNTY, WASHINGTON

STATE OF WASHINGTON, ex rel.
Frederick J. Clegg, Esq., Attorney
Attorney General of Washington,

2016
NO.

Plaintiff,

COMPLAINT

vs. WESTERN GAS COMPANY OF WASHINGTON,
a corporation.

FILED

Defendant.

ARTICLE 71945

RECEIVED
CLARK COUNTY PROSECUTOR'S OFFICE
JULY 1 1965

United States Attorney, prosecuting Attorney for Clark
County, State of Washington, now complains and alleges as follows:

I.

That he is the duly elected, qualified and acting prosecuting
Attorney for Clark County, State of Washington.

II.

That at all times herein mentioned, the defendant, Western Gas
Company of Washington, a corporation, duly or-
ganized and existing under and by virtue of the laws of the State of
Washington.

III.

That defendant company is owner of water forming a part
of Lake Clegg and is a navigable body of water; that in its ordi-
nary annual state said body of water is pure and clear and free
from oil waste, brackish bay trash, garbage,

IV.

That the defendant, Western Gas Company of Washington, is now
and has been for some time past, the owner of the following described
tract of land, described on the following page(s) hereto attached, located
in Clark County, Washington;

lot 1 and lot 2, except the second tract of said lot 2 of the
described tract of land, described on page(s) hereto attached, situate in Clark
County, State of Washington.

That the said defendant is now, and has been for some time past, operating a refinery or works plant for the manufacture of gas; that the said defendant manufactures from coal and the products of the same oil which is a by product of coal manufacture consists of an oily, gassy substance; that said defendant is now, and has been for some time past, unlawfully discharging products into the waters of the Port Washington Harbor; that as a result thereof the bottom and waters of said port Washington Harbor are at present covered with heavy oil.

That defendant is discharging oil and waste products into the said waters, which is a public nuisance in that:

- i. The said harbor is only 1/8 mi. or twelve rods, and so a small, well used vessel will almost fill said harbor in narrow. In the vicinity of the mouth of the harbor it is rendered dangerous to all vessels by reason of the heavy oil and mud which covers the bottom of the harbor and blocks the entrance.
- ii. The pollution of the water of said Port Washington Harbor causes soiled oil to settle on the bottom of the harbor in contact with the bottom sand which is very oily and
- iii. That numerous birds are now flying over said waters and existing upon the oil and waste material.
- iv. That the sewage of the harbor is rendered油腻 to such an extent that it is impossible to clean up the bottom of the harbor.

V.

That said defendant is engaged in the business of refining, distilling and selling oil and gas in a public library to the public at large and is the owner of the land on which he is engaged in his business; that defendant is engaged in the business of refining, distilling and selling oil and gas in a public library to the public at large and is the owner of the land on which he is engaged in his business.

will continue to do so in the future in the same manner as herebefore,
unless otherwise provided by law or by the conclusive court
decision.

"That the defendant in the course of its manufacturing of gas
in a manner known to the plaintiff caused to be cast off from
the plant of the defendant disagreeable and noxious odors render-
ing the life in the vicinity of said plant disagreeable to live in
consequence of which odors, the plaintiff, on either side of the
said plant, that the odor constitutes a nuisance to the residents
thereof in the said area.

"NOTICE OF PLAINTIFF'S JUDGMENT AS FOLLOWS:

1. That defendant, Eastern Gas Company of Washington, and all
of its agents, employees and officers, is perpetually enjoined
and restrained from casting any disagreeable odors on the said
plant, and of continuing to do the same in the future at the Fort Meade-
ton plant.
2. That defendant, Eastern Gas Company of Washington,
and all agents, employees and officers of the plant at all times
hereinafter, shall not cast any disagreeable odors on the said
plant or on the surrounding property of the Fort Meadenton plant or
on the property of the Fort Meadenton Annex, or on the Washington Annex.
3. That defendant, Eastern Gas Company of Washington,
be restrained and enjoined from casting any gas plant in such
a manner as to cast off disagreeable and noxious odors and that
it cannot be restrained from casting any gas plant if all
local authorities appropriate and necessary to prevent it from such
odors.
4. That defendant, Eastern Gas Company, shall pay the plaintiff for
all costs and expenses incurred in the suit in all places,

, that the plaintiff be granted such other and further relief
as to the court may deem just and equitable in the premises.


Plaintiff

STATE OF WASHINGTON }
} G.O.T.
} JUDICIAL DISTRICT
{

FEDERAL BUREAU OF INVESTIGATION, WASH. D.C., ON SAID, DEMAND
and certify that he is the duly elected, unicameral and acting Prosec-
uting Attorney of said City and County, and state, that he has read
the foregoing Complaint, made the pertinent affidavit, and believes the
same to be true.


Prosecuting Attorney

STATE OF WASHINGTON, NO. 10000, dated the 7 day of February,


Plaintiff, in and for the
City of Washington, residing
at Fremont,